

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2010-003106

08/23/2012

HONORABLE J. RICHARD GAMA

CLERK OF THE COURT
D. Harding
Deputy

KEITH DEERING, et al.

PAUL A CONANT

v.

GARY WHITING, et al.

GARY WHITING
9551 E REDFIELD RD STE 1010
SCOTTSDALE AZ 85260

LANCE R BROBERG
MARK DEATHERAGE
DONALD F ENNIS
ROBERT A ROYAL

MINUTE ENTRY

The Court has had under advisement Timothy Jenson's ("Jenson") Motion to Consolidate CV 2010-003106 (the "Receivership action") with CV 2012-003911 (the "DASH Game action"), pursuant to Rule 42(a).¹ Having read and considered the briefing and having heard argument of counsel, the Court issues the following ruling.

¹ Ariz. R. Civ. P. 42(a) provides:

When actions involving a common question of law or fact are pending before the court, it *may* order a joint hearing or trial of any or all the matters in issue in the actions, or it may order all the actions consolidated, and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(Emphasis added.)

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The Court agrees with the Receiver and Intervenor² that the likelihood of unnecessary costs or delay in implementing the Receiver's Liquidation Plan in the Receivership action militates against consolidation.³ The Receivership action has been pending for some time. The Court acknowledges the implicit plea of Plaintiffs' counsel (July 27, 2012 status conference) to "get things going" toward resolution of claims of the creditors and claimants to the Receivership Estate. The Court intends to do just that. In the exercise of the Court's discretion under Rule 42(a), *see Hancock v. McCarroll*, 188 Ariz. 492, 495 (App. 1996).

IT IS ORDERED denying Jenson's Motion to Consolidate.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

² See Receiver's Response at 2-4; Intervenor's Response at 5-7.

³ The Court assumes without deciding that Jenson has standing to bring this Motion and that the actions involve common questions of law or fact.